



CLOSED TO OCCUPANCY

Environmental Health Services Division

Frequently Asked Questions

For what violations may you close a dwelling to occupancy?

Our Board of Health (BOH) Housing Regulation allows us to close a dwelling to occupancy for any violation of the following sections:

Water Hygiene and Sanitation

- Potable Water Supply
- Plumbing System
- Plumbing Fixtures, including Hot Water
- Wastewater Discharges
- Flooding

Minimum Dwelling Standards

- Indoor Air Quality – Quantifiable Nuisances
- Heating

- Finish Surfaces, including Water Intrusion
- Lead Based Paint

Hazard and Nuisance Abatement

- Hazardous Gases and Materials
- Infestations, including Harborage Issues
- Nuisance Odors (see FAQ)
- Stagnant Water
- Natural Disaster Clean-up
- Vacant Units

Rental Units

- Renting of Unfit Unit
- Maintenance of Commons Areas
- Owner's Duties
- Tenant's Duties

Our BOH Housing Regulation allows us to close a dwelling to occupancy for multiple or nuisance violations of the following sections:

Minimum Dwelling Standards

- Unit Enclosure Integrity

If my Unit is Closed to Occupancy, what activities are authorized?

If you have a lawful right to enter, the following are **authorized activities**:

- Remove personal items; or,
- Remediate violations of our BOH Housing Regulation.

May I be in a Unit Closed to Occupancy for any reason other than the two authorized?

If you have in your possession a written letter from a court of competent jurisdiction or a Notice to Vacate from our office, you may be in a Unit Closed to Occupancy, if you follow the guidelines specified in those letters.

If my Unit is Closed to Occupancy and I have a lawful right to enter and I'm engaged in one of the two authorized activities, what restrictions do I have?

You must have an operational toilet and a lavatory supplied with potable water, or provide sanitary onsite portable units.

You may not sleep in the Unit.

You may not prepare or eat food in the Unit.

If anyone is on the premises, they may not deny the Department access to the Unit.

What if someone is on the premises and they refuse to allow access?

They may face punishment for failing to comply with a Notice of the Health Department.

Physical Address

22 South State Street
Clearfield, Utah 84015

Mailing Address

P. O. Box 618
Farmington, Utah 84025

Phone Numbers

801-525-5128
Fax: 801-525-5119

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What punishment will I face, if I am in a Unit Closed to Occupancy for any reason other than the two authorized activities or if I have engaged in a proscribed activity?

Any law enforcement officer with jurisdiction may issue a citation or take another enforcement action under **UCA § 26A-1-123** for **Failing to Comply with a Notice or Standard of the Health Department**.

The law enforcement officer will submit the citation to their local Justice of the Peace (JP) Court, or wherever they normally submit citations.

A first time offense is a Class B Misdemeanor punishable by up to six months in jail and a \$500 fine.

Our office may also initiate an Adjudicative Hearing. The penalty fee is \$1,500 plus investigative costs.

If I am a law enforcement officer, what will you do to support my enforcement of a violation of a Unit Closed to Occupancy?

If anyone is in a Posted unit, we have Right of Entry to verify that only the authorized activities are occurring and any of the proscribed activities are not occurring. A representative from our office will meet you and do a joint inspection. We will report our findings verbally to you on scene and in written form shortly thereafter.

Administrative

Code it under 2324 HOUS Support and log a HOUS Consultation (#68).